



Attorneys at Law

45 BROADWAY, SUITE 620, NEW YORK, NEW YORK 10006
TEL: (212) 248-7431 FAX: (212) 901-2107

September 28, 2018

BY ELECTRONIC FILING

Honorable Ramon Reyes
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

Re: Ruiz / Messing v. Bayshore Brightwaters Rescue Ambulance Co., Et. Al.
Docket No.: 18-CV-0280 (RRM) (RER)

Dear Judge Reyes:

We write the Your Honor on consent of all Parties to respectfully request an extension of the discovery schedule to November 16, 2018 and to adjourn the pretrial conference currently scheduled for Tuesday October 2, 2018 at 10:00 a.m., for the reasons stated below. *The Parties were supposed to file this request last week on the evening of Friday, September 28, 2018. However, I inadvertently failed to do so as expected by the Parties and I apologize to Counsel for Defendants and the Court.*

Since our last communications with the Court, the Parties have completed a substantial amount of discovery, including the continued depositions of Plaintiffs, the deposition of Non-Party Witness April Kunz as well as the Depositions of Defendants Chapman, Frisina, Mullin and Rodriguez. During these depositions, a number of follow-up discovery requests were made and the Parties are searching for documents and other items that are responsive to follow up demand(s). In addition, as Counsel for Plaintiffs completed the depositions of the Individual Defendants as of yesterday, and received material information concerning other individuals at BSBRA with relevant information regarding the claims made by Plaintiffs, Plaintiffs may need to schedule, if necessary, one additional deposition of the President of Defendants' BSBRA's Board of Directors. Additionally, Defendants may wish to depose other witnesses.

Also, in August, Plaintiff scheduled and subpoenaed one additional non-party witness (Witness Donna Fudge), who was initially scheduled to appear on September 9, 2017. However, due to her own health concerns as well as the fact that she is the caretaker of a number of individuals with health issues, Ms. Fudge was unable to appear for depositions in September. Ms. Fudge was cooperative, advised us that she could appear in mid-late October given her caretaker schedule and asked us to accommodate her concerns. As a courtesy, we advised Ms. Fudge that we would try to accommodate her issues and other requests but that an extension from the Court would be necessary in order to do so. Additionally, Defendants may wish to depose Ms. Fudge.

Accordingly, this request for an extension of the discovery schedule is necessitated by the above-stated issues.

Honorable Ramon Reyes

We thank Your Honor for your kind consideration. Please contact the Parties should you have any questions.

Respectfully Submitted,

/S/
Gregory Calliste, Jr.

Cc: **Gregory B. Reilly, Esq. & Ayanna Blake, Esq. (by ECF)**